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Technology Center 2100

In re Application of:
HAJIME MAEKAWA
Application No. **10/528,978**
Filed: **March 23, 2005**
For: **INFORMATION PROCESSING
APPARATUS AND RECEIVING APPARATUS**

**DECISION ON PETITION TO
MAKE SPECIAL**

This is a decision on the petition, filed August 24, 2006 under M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (A) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i);
- (B) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (C) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;
- (D) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (E) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first

renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

Applicant's submission is deficient in that it does not comply with item (E) above. That is, no clear indication is given specifically pointing out how the language of claims 1, and 35-40 patentably distinguishes from the references.

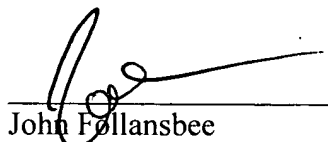
First, it is noted that Claims 3 and 6, referred to in the petition (see Appendix), have been canceled. These claims are no longer pending in the present application (see preliminary amendment filed on August 29, 2006).

The petition fails to provide a discussion of how amended claim 1 and new claims 35-40 are "patentable over the references."

Applicant states, "[t]he claimed features referred to above are neither disclosed nor suggested by the reference cited in the Search Report." The petition merely includes a general recitation of the claimed features of the claims without any explanation or discussion of how these claims distinguish over the references. That is, there is no "detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references." With regard to each of the references listed in the Information Disclosure Statement (IDS), Applicant fails to provide a detailed discussion of the claims are patentable over these references. The discussions of the references fail to comply with the requirements of 37 CFR 1.111 (b) and (c), in that they do not address the claimed limitations of the pending claims.

Accordingly, the Petition is **DISMISSED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within two months of the mailing date of this decision.



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